

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.24.01 - RULES OF THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS

DOCKET NO. 24-2401-0801 (NEW CHAPTER)(FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-5109, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

WEDNESDAY - OCTOBER 15, 2008 - 10:00 am - 12:30 pm

**BUREAU OF OCCUPATIONAL LICENSES
1109 Main St., Ste 220
Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rules provide contact information, definitions, an application process, requirements for license, fees, examination, renewal process, scope of practice, certification, and set standards for continuing education.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This board does not have rules in place. Fees are being established in this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This board does not have rules in place. Fiscal impact would be dependant on the number of applications submitted to the Board. These fees are dedicated funds and used to administer the Board of Naturopathic Medical Examiners.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because a public hearing is scheduled to hear comments during comment period.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208)334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2009.

DATED this 21st day of August, 2008.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-2401-0801

IDAPA 24
TITLE 24
CHAPTER 01

24.24.01 - RULES OF THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Board of Naturopathic Medical Examiners by the provisions of Section 54-5109, Idaho Code. ()

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.24.01, "Rules of the Board of Naturopathic Medical Examiners." ()

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. ()

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. ()

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those Sections of Idaho Code so referenced. ()

005. ADDRESS OF IDAHO BOARD OF NATUROPATHIC MEDICAL EXAMINERS (RULE 5).

The office of the Board of Naturopathic Medical Examiners is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is nat@ibol.idaho.gov. The Board's official web site is at www.ibol.idaho.gov/nat.htm. ()

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Naturopathic Medical Examiners are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. The State Board of Naturopathic Medical Examiners as prescribed in Section 54-5108, Idaho Code. ()

02. Bureau. The Bureau of Occupational Licenses as prescribed in Section 67-2602, Idaho Code. ()

011. -- 099. (RESERVED).

100. APPLICATIONS (RULE 100).

01. Application Form and Deadline. An application shall be completed by all applicants for licensure

upon a form approved by the Board. No application shall be accepted or considered by the Board until it is complete and all required fees have been paid. Completed applications must be received by the bureau at least thirty (30) days prior to the next scheduled Board meeting. Applications received less than thirty (30) days in advance will be held until a subsequent meeting. ()

02. Official Transcripts. All applicants shall arrange for official transcripts of all credits earned, at each approved educational institute, to be transmitted by the registrars of the educational institutes directly to the Board. If official transcripts are unobtainable, the applicant must submit a written explanation and provide any documentation the Board may request to assist in considering the application. ()

03. Official Documentation. Official documentation of meeting the experience and examination requirements of law and rule must be received by the Board directly from the entity or person responsible for validating said documentation. Applicants are responsible for requesting the required documentation from the appropriate entities and persons. If official documentation is unobtainable, the applicant must submit a written explanation and provide any documentation the Board may request to assist in considering the application. ()

04. Termination. Incomplete applications on file with the Bureau for a period in excess of one (1) year from the date of receipt by the Bureau shall be deemed denied and terminated by the Board. Application fees are non-refundable. ()

101. -- 124. (RESERVED).

125. REQUIREMENTS FOR LICENSURE (RULE 125).

01. New Applicants. Pursuant to Section 54-5112, Idaho Code, new applicants will meet the following requirements: ()

a. Provide proof, on a form provided by the board, of completion of an approved naturopathic medical program approved by the board. ()

b. Have passed a competency-based examination approved by the board covering basic medical sciences and the diagnostic and clinical sciences consistent with the education, training and practice of naturopathic medicine. Such examination shall include, but not be limited to, exams in anatomy, biochemistry, microbiology, immunology, pathology, physiology, naturopathic philosophy and principles, physical and clinical diagnosis, lab diagnosis, diagnostic imaging, botanical medicine, naturopathic physical medicine, and nutrition. ()

c. Applicants may be required to sit for a personal interview by the board to specifically review the applicant's qualifications, professional credentials, knowledge, and skills pertaining to the practice of naturopathic medicine. ()

d. Possess a good, ethical and professional reputation. ()

e. Be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation. ()

f. Have never had a license to practice naturopathic medicine or other health care license, registration or certificate refused, revoked or suspended by any other state or country for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine, or other health care profession unless that license, registration or certification has been restored to good standing by that state or country. ()

g. All licensed naturopathic physicians shall have on file with the board a board-approved disclosure form stating the degrees, training, experience, credentials and the health care services they are board approved to provide. ()

h. File a board-approved application and pay the required application and licensing fees. ()

02. Endorsement. Endorsement applicants shall meet the following requirements: ()

- a. Submit a complete application accompanied by the required application and licensure fees. ()
- b. Cause to be submitted official certification of a current license in good standing. ()
- c. The licensure requirements from the jurisdiction where the applicant is currently licensed shall be of a standard not lower than the Idaho requirements. ()
- d. Sign an affidavit swearing under oath that they have fully reviewed and understand and will abide by the Naturopathic Physicians Licensing Act, Title 54, Chapter 51, Idaho Code, and the Board's Rules, IDAPA 24.24.01, "Rules of the Board of Naturopathic Medical Examiners." ()
- e. Have never had a license to practice naturopathic medicine or other health care license, registration or certificate refused, revoked or suspended by any other state or country for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine, or other health care profession unless that license, registration or certification has been restored to good standing by that state or country. ()

126. -- 149. (RESERVED).

150. FEES (RULE 150).

- 01. **Application Fee.** Application Fee - Two hundred fifty dollars (\$250). ()
- 02. **Original License Fee.** Original License Fee - Two hundred fifty dollars (\$250). ()
- 03. **Annual Renewal Fee.** Annual Renewal Fee – Three hundred fifty dollars (\$350). ()
- 04. **Non-Refundable.** All fees are non-refundable. ()

151. -- 199. (RESERVED).

200. EXAMINATIONS (RULE 200).

All applicants must pass a board approved examination in accordance with Sections 54-5109 and 54-5112, Idaho Code. ()

- 01. **Approved Examination.** The examination shall be the Naturopathic Physicians Licensing Examination (NPLEX) published by the North American Board of Naturopathic Examiners; or ()
- 02. **Other Examination.** Other examinations as may be approved by the Board. ()
- 03. **Minimum Passing Score.** The minimum passing score for each section of the NPLEX examination or any other examination approved by the Board shall be the passing score determined by the examination entity. ()

201. -- 249. (RESERVED).

250. RENEWAL OR REINSTATEMENT OF LICENSE (RULE 250).

- 01. **Expiration Date.** All licenses expire and must be renewed annually in accordance with Section 67-2614, Idaho Code. Applicants for renewal must provide documentation of having met the continuing education requirement for the twelve (12) month period preceding renewal. Licenses not renewed prior to expiration shall be cancelled. ()
- 02. **Reinstatement.** Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code and the applicant shall submit proof of having met the required continuing education for the twelve (12) month period preceding renewal. ()

03. Cancelled License. A license that has been cancelled for a period of more than five (5) years may be re-issued in accordance with Section 67-2614, Idaho Code. ()

251. -- 299. (RESERVED).

300. SCOPE OF PRACTICE (RULE 300).

A naturopathic physician is authorized to provide only services and treatments for which that licensee has been appropriately trained and prepared by board approved education, continuing education, and practical experience. Information contained within the application together with supporting documentation maintained by the licensee shall be prima facie evidence of the licensee's education and experience. It is the responsibility of the individual licensee to maintain adequate documentation of education and experience appropriate to the services and treatments being provided to the public. ()

01. Treatments. The scope of practice as defined in Section 54-5104, Idaho Code and may include dispensing, administering, ordering, prescribing or performing the following: ()

a. Oral and parenteral food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals, and their extracts, homeopathic medicines, all dietary supplements and nonprescription drugs as defined by the Federal Food Drug and Cosmetic Act. ()

b. Prescription substances as determined by the naturopathic formulary council. ()

c. Hydrotherapy, naturopathic physical medicine and modalities consistent with naturopathic medical education and training, colon hydrotherapy, and therapeutic exercise. Devices including but not limited to therapeutic devices, barrier contraception, and durable medical equipment. ()

d. Health education and health counseling. ()

e. Repair and care incidental to superficial lacerations and abrasions, removal of foreign bodies located in the superficial tissues. ()

301. CERTIFICATION (RULE 301).

01. Intravenous Therapy Certification. Intravenous therapy certification requires proof of completion of appropriate coursework and number of hours as determined by the formulary council. ()

302. -- 349. (RESERVED).

350. CONTINUING EDUCATION (RULE 350).

01. Hours. Licensees must complete twenty (20) hours of continuing education each year of which at least five (5) hours must be in pharmacology. ()

02. Subject Material. The subject material of the continuing education requirement shall be germane to the practice of naturopathic medicine and either: ()

a. Sponsored by an approved naturopathic medical program; or ()

b. Otherwise approved by the board. ()

03. Verification of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the applicant. This verification shall be maintained by the licensee and provided to the Board upon the request of the Board or its agent. ()

04. Distance Learning and Home Study. The board may approve any course of study for continuing

education credit that does not include the actual physical attendance of the applicant in a face-to-face setting with the course instructor. Such courses shall not be eligible for more than fifty percent (50%) of the required continuing education credits. ()

05. Requests for Approval. All requests for approval or pre-approval of educational programs must be made to the board in writing, and must be accompanied by a statement that includes the name of the instructor or instructors, the date and time and location of the course or other intended schedule, the specific agenda for the course, the number of continuing education credit hours requested, and a statement of how the course is believed to be germane to the practice of naturopathic medicine. ()

06. Attestation. Licensees shall attest, on their annual license renewal application, that they have satisfied the continuing education requirements. False attestation of satisfaction of the continuing education requirements on a renewal application shall subject the licensee to disciplinary action. ()

07. Audit. The Board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the Board of meeting the continuing education requirement be submitted to the Bureau. Failure to provide proof of meeting the continuing education upon request of the Board shall be grounds for disciplinary action. ()

351. -- 999. (RESERVED).